

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Document #

25

WOOTEN

U.S.C.A. # _____

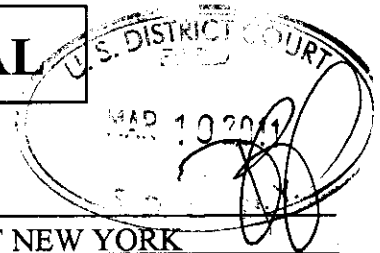
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U.S.D.C. # 10 - cv - 3728

**UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES-OFFICE OF CIVIL RIGHTS, et al**

JUDGE : Shira A. ScheindlinDATE : March 10, 2011

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME) : THOMAS R. PISARCZYK
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DISTRICT COURT DOCKET ENTRIES _____

DOCUMENT DESCRIPTION	DOC. #
CLERK'S CERTIFICATE	
SEE ATTACHED LIST OF NUMBERED DOCUMENTS	

(☒) ORIGINAL RECORD

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 10TH Day of March, 2011

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WOOTEN

-v-

UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES-OFFICE OF CIVIL RIGHTS, et al

U.S.C.A. # _____

U.S.D.C. # 10 - cv - 3728

JUDGE : Shira A. Scheindlin

DATE : March 10, 2011

CLERK'S CERTIFICATE

I, Ruby J. Krajick, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 through ____, inclusive, constitutes the Original Record On Appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 10TH Day of March, In this year of our Lord, Two Thousand and Eleven, and the Independence of the United States this 235TH year.

Ruby J. Krajick, Clerk

By 
Deputy Clerk

CLOSED, APPEAL, PRO-SE

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-03728-SAS

Wooten v. United States Department of Health and Human Services- Office of Civil Rights et al
Assigned to: Judge Shira A. Scheindlin
Demand: \$250,000
Cause: 05:702 Administrative Procedure Act

Date Filed: 05/05/2010
Date Terminated: 02/16/2011
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/05/2010	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. (IFP GRANTED) Document filed by James R. Wooten.(ama) (Entered: 05/07/2010)
05/05/2010	<u>2</u>	COMPLAINT against United States Department of Health and Human Services- Office of Civil Rights, Michael R. Carter, Ralph Balsamo. Document filed by James R. Wooten.(ama) (Entered: 05/07/2010)
05/05/2010		Magistrate Judge James C. Francis IV is so designated. (ama) (Entered: 05/07/2010)
05/05/2010	<u>3</u>	60 DAYS ORDER. Plaintiff's request to proceed in forma pauperis is granted.Should plaintiff decide to file an amended complaint, despite the unavailability of money damages, it must be submitted to this Court's Pro-Se Office within sixty(60) days of the date of this order, be captioned as an "Amended Complaint", and bear the same docket number as this order. Plaintiff is advised that an amended complaint completely replaces the original complaint. No summons shall issue at this time, and all further proceedings shall be stayed for 60 days or until plaintiff has complied with this order. If plaintiff fails to comply with this order within the time allowed, the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency, and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Loretta A. Preska on 5/05/10) (ama) (Entered: 05/07/2010)
07/02/2010	<u>5</u>	AMENDED COMPLAINT against Georgia C. Verdugo, United States Department of Health and Human Services- Office of Civil Rights, Michael R. Carter, Ralph Balsamo amending 2 Complaint with JURY DEMAND.Document filed by James R. Wooten. Related document: 2 Complaint filed by James R. Wooten. (Attachments: # 1 part 2)(mro) (Entered: 07/07/2010)
07/06/2010	<u>4</u>	NOTICE OF CASE REASSIGNMENT to Judge Shira A. Scheindlin. Judge Loretta A. Preska is no longer assigned to the case. (ldi) (Entered: 07/06/2010)
07/06/2010		Mailed notice re: 4 Notice of Case Assignment/Reassignment to the attorney(s) of record. (ldi) (Entered: 07/06/2010)
07/06/2010		SUMMONS ISSUED as to Ralph Balsamo, Michael R. Carter, United States Department of Health and Human Services- Office of Civil Rights, Georgia C. Verdugo. (vn) (Entered: 08/18/2010)
07/16/2010		FRCP 4 (Service Package Mailed) to litigant at the address noted on complaint on 07/16/2010 via Federal Express AIRBILL # 8729 2457 0220. The service package included: an original summons, copies of the summons, a certified In Forma Pauperis Application (IFP), copies of the IFP, complaint, United States Marshal (U.S.M.-285) forms, a pro se handbook, change of address postcards, Judge's individual rules, instructions on how to file a motion and opposition, instructions on filing an amended complaint, application for counsel, a consent to proceed before a Magistrate Judge and affirmation of service forms. (vn) (Entered: 07/19/2010)
07/28/2010		Pro Se Manual sent via regular mail on 7/22/10. (rw) (Entered: 07/28/2010)
08/02/2010	<u>8</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and 30/60 Days Amended Complaint, served. Michael R. Carter served on 8/2/2010, answer due 10/1/2010. Service was made by certified mail. Document filed by James R. Wooten. (mro) (Entered: 08/26/2010)
08/16/2010	<u>6</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and 30/60 Days Amended Complaint, served. United States Department of Health and Human Services- Office of Civil Rights served on 8/2/2010, answer due 10/1/2010. Service was made by certified mail. Document filed by James R. Wooten. (mro) (Entered: 08/26/2010)
08/16/2010	<u>7</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and 30/60 Days Amended Complaint, served. Georgia C. Verdugo served on 8/2/2010, answer due 10/1/2010. Service was made by certified mail. Document filed by James R. Wooten. (mro) (Entered: 08/26/2010)
08/16/2010	<u>9</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE EXECUTED Summons and 30/60 Days Amended Complaint, served. Ralph Balsamo served on 8/2/2010, answer due 10/1/2010. Service was made by certified mail. Document filed by James R. Wooten. (mro) (Entered: 08/26/2010)
10/01/2010	<u>10</u>	ENDORSED LETTER: addressed to Judge Shira A. Scheindlin from Jaimie Leaser Nawaday dated 10/1/2010 re: Counsel for defendant requests an extension of the Government's time to respond to Plaintiff's Amended Complaint from October 1, 2010, to October 15, 2010. ENDORSEMENT: The Government's request is granted. The Answer or other motion is due October 15, 2010. No further extensions will be granted. So Ordered. (Signed by Judge Shira A. Scheindlin on 10/1/2010) (js) (Entered: 10/01/2010)
10/13/2010	<u>11</u>	MOTION to Dismiss. Document filed by Ralph Balsamo, Michael R. Carter, United States Department of Health and Human Services- Office of Civil Rights, Georgia C. Verdugo.(mbe) (Entered: 10/19/2010)
10/15/2010	<u>12</u>	MEMORANDUM OF LAW in Support re: 11 MOTION to Dismiss. Document filed by Ralph Balsamo, Michael R. Carter, United States Department of Health and Human Services- Office of Civil Rights, Georgia C. Verdugo. (mbe) (Entered: 10/19/2010)
11/02/2010	<u>14</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from James R. Wooten dated 10/29/2010, re: Plaintiff with the consent of the defendants, write to ask the Court for an extension of time to reply to Defendants' Motion to dismiss, dated October 15, 2010. Plaintiff is also asking the Court to grant a thirty (30) day extension of time to reply to the Defendants' motion to dismiss. Plaintiff's request for a thirty (30) day extension of time is from November 5, 2010 until December 5, 2010. ENDORSEMENT: Request granted. Plaintiff must respond to the motions to dismiss by December 5, 2010. Defendants may reply by December 17, 2010. No further extensions will be granted. So Ordered. Set Deadlines as to 11 MOTION to Dismiss. (Responses due by 12/5/2010. Replies due by 12/17/2010) (Signed by Judge Shira A. Scheindlin on 11/2/2010) (lnl) (Entered: 11/02/2010)
12/06/2010	<u>18</u>	AFFIDAVIT/AFFIRMATION of James R. Wooten in Opposition re: 11 MOTION to Dismiss. Document filed by James R. Wooten. (mro) (Entered: 12/14/2010)

12/17/2010	<u>19</u>	REPLY MEMORANDUM OF LAW in Support re: 11 MOTION to Dismiss. Document filed by Ralph Balsamo, Michael R. Carter, United States Department of Health and Human Services- Office of Civil Rights, Georgia C. Verdugo. (mro) (Entered: 12/20/2010)
01/14/2011	<u>21</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from James R. Wooten dated 1/10/11 re: counsel for plaintiff respectfully asking the Court to grant Plaintiff's permission to answer the Defendants' reply memorandum, by attorney Nawaday, dated December 17, 2010. ENDORSEMENT: Request denied. The Court does not permit any response to a Reply Memorandum of Law. (Signed by Judge Shira A. Scheindlin on 1/14/11) (pl) (Entered: 01/14/2011)
02/15/2011	<u>22</u>	OPINION AND ORDER #99953 for the reasons stated above, the Amended Complaint is dismissed with prejudice. The Clerk is directed to close the instant motion re: 11 MOTION to Dismiss, filed by Ralph Balsamo, Georgia C. Verdugo, United States Department of Health and Human Services- Office of Civil Rights, Michael R. Carter and this case. (Signed by Judge Shira A. Scheindlin on 2/14/11) (cd) Modified on 2/18/2011 (ajc). (Entered: 02/15/2011)
02/15/2011		Transmission to Judgments and Orders Clerk. Transmitted re: <u>22</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (cd) (Entered: 02/15/2011)
02/16/2011	<u>23</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated February 15, 2011, this Amended Complaint is dismissed with prejudice. (Signed by Clerk of Court Ruby Krajick on 2/16/11) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 02/17/2011)
02/17/2011		Transmission to Docket Assistant Clerk. Transmitted re: <u>23</u> Clerk's Judgment, to the Docket Assistant Clerk for case processing. (dt) (Entered: 02/17/2011)
02/17/2011		Mailed notice of Right to Appeal re: <u>23</u> Clerk's Judgment, to Pro Se Litigant(s): James R. Wooten and to Attorney(s) of Record: Jaimie Leaser Nawaday. (jab) (Entered: 02/17/2011)
02/22/2011	<u>24</u>	NOTICE OF APPEAL from <u>23</u> Clerk's Judgment, <u>22</u> Memorandum & Opinion. Document filed by James R. Wooten. (tp) (Entered: 03/08/2011)
02/22/2011		Appeal Remark as to <u>24</u> Notice of Appeal filed by James R. Wooten. IFP GRANTED 5/5/10. (tp) (Entered: 03/08/2011)
03/08/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>24</u> Notice of Appeal. (tp) (Entered: 03/08/2011)
03/08/2011		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>24</u> Notice of Appeal. (tp) (Entered: 03/08/2011)
03/08/2011		Transmission of Notice of Appeal to the District Judge re: <u>24</u> Notice of Appeal. (tp) (Entered: 03/08/2011)